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Fissile material cut-off treaty

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Summary

The European Union and its member States are committed to treaty-based nuclear arms control and disarmament and actively contribute to multilateral efforts aimed at renewing and revitalizing multilateral negotiating bodies, in particular, the Conference on Disarmament. Furthermore, the European Union and its member States stress the importance of the active and equal participation and leadership of women and their full involvement in all efforts for the maintenance and promotion of peace and security.

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1. The European Union and its member States recall that there is broad support within the international community for such a treaty, considering that it would represent a significant practical contribution to nuclear disarmament and non-proliferation.

2. For more than two decades, the European Union and its member States have been at the forefront of advocating the immediate commencement and early conclusion of the negotiation in the Conference on Disarmament of a fissile material cut-off treaty, on the basis of document CD/1299 (the "Shannon Report") and the mandate contained therein.

3. Over the next three years, the European Union will provide support to African, Asian, Latin American and Caribbean countries to facilitate their participation in the fissile material cut-off treaty consultative process, established by General Assembly resolution 71/259 of 2016, which establishes a high-level fissile material cut-off treaty expert preparatory group to consider and make recommendations on substantial elements of a future non-discriminatory, multilateral and internationally and effectively verifiable treaty.

Introduction

4. The European Union and its member States are committed to treaty-based nuclear arms control and disarmament and underline the need to renew multilateral efforts and revitalize multilateral negotiating bodies, in particular the Conference on Disarmament. Promotion of gender equality, gender consciousness, empowerment of women and prevention of sexual and gender-based violence is an important horizontal priority for the European Union. We believe that the active and equal participation and leadership of women in decision-making and action, including in the area of disarmament and non-proliferation, are crucial in achieving peace, security and sustainable development and, as such, will be crucial in achieving a successful outcome of negotiations on a treaty banning fissile materials as well.

5. European Union member States are united in their support for the Treaty on the Non-Proliferation of Nuclear Weapons, which remains the cornerstone of the global nuclear non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament in accordance with article VI of the Treaty and an important element in the future development of nuclear energy applications for peaceful purposes. These three pillars are equally important and mutually reinforcing. The 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons is an important cycle in all aspects. The priority of the European Union and its member States is to uphold, preserve and further strengthen the Treaty as a key multilateral instrument for reinforcing international peace, security and stability, promote its universalization and strengthen its implementation.

6. The European Union recalls that all States parties to the Non-Proliferation Treaty are committed to pursuing policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons. For their part, the European Union and its member States stress the need for concrete progress towards the full implementation of article VI of the Treaty, especially through an overall reduction in the global stockpile of nuclear weapons, taking into account the special responsibility of the States that possess the largest nuclear arsenals.

7. For the European Union, a multilateral, non-discriminatory and international and effectively verifiable fissile material cut-off treaty would be a genuine contribution towards providing increased and undiminished global security for all States and should significantly reduce the risk of a nuclear arms race and contribute to both nuclear disarmament and non-proliferation.

8. A fissile material cut-off treaty would have various, mutually reinforcing benefits. First and foremost, banning the future production of fissile material for explosive purposes would mean capping the amount of material available for new nuclear weapons. Consequently, the quantities of fissile material can only be reduced, not increased. Second, a fissile material cut-off treaty would strengthen the Non-Proliferation Treaty, which is one of the measures included in the list of principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Moreover, a non-discriminatory fissile material cut-off treaty would not distinguish between rights and duties of parties to the treaty and would therefore have the potential to draw in States that are currently not party to the Non-Proliferation Treaty.

On the way to a fissile material cut-off treaty

9. In December 1993, the General Assembly adopted its first resolution related to the fissile material cut-off treaty, resolution 48/75 L, entitled "Prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices". This resolution recommends an appropriate international body to negotiate a "non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices". The Conference on Disarmament agreed to this mandate in the report of its Special Coordinator, Ambassador Gerald Shannon of Canada, dated 24 March 1995 (CD/1299), which was subsequently reaffirmed in the decisions of the Conference to establish subsidiary bodies to negotiate such a treaty in 1998 and 2009. Despite the broadly held view within the international community that such a treaty would represent a significant practical contribution to nuclear disarmament and non-proliferation, agreement to launch the negotiations of a fissile material cut-off treaty has yet to be achieved.

10. All parties to the Non-Proliferation Treaty adopted, at the 1995 Review and Extension Conference, the principles and objectives for nuclear non-proliferation and disarmament. These objectives recognized a ban on fissile material as an important measure for "the full realization and effective implementation of article VI". It called for the immediate commencement and early conclusion of fissile material cut-off treaty negotiations in the Conference on Disarmament as part of a three-phased programme of action on nuclear disarmament. In 2010, the eighth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted the conclusions and recommendations for follow-on actions, which contain 64 actions. Action 15 of the 2010 action plan stated that "all States agree that the Conference on Disarmament should, within the context of an agreed, comprehensive and balanced programme of work, immediately begin negotiation of a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices in accordance with the report of the Special Coordinator of 1995 (CD/1299) and the mandate contained therein".

11. All European Union member States supported General Assembly resolution 67/53 on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, which established the Group of Governmental Experts for the period of 2014–2015. Several European Union member States participated in the work of the Group and contributed to the final consensual report, the importance of which was recognized in resolution 70/39. In view of the European Union and its member States, the Group provided the opportunity to elaborate a detailed report covering all views and positions on which a general architecture for a fissile material cut-off treaty could be built. The final conclusions of the Group, notably, "that the various perspectives of States on a treaty should not be an obstacle

to commencement of negotiation" and that the Shannon mandate "continues to provide the most suitable basis on which future negotiations can commence without further delay in the Conference on Disarmament", have been echoed in numerous European Union statements.

12. Furthermore, all European Union member States supported General Assembly resolution 71/259, presented by Canada, Germany and the Netherlands in 2016, and the subsequent General Assembly decision 72/513 in 2017. The European Union welcomes the inclusive consultative process set up by this resolution that will help to bring the views of the broader United Nations membership to the attention of the high-level expert preparatory group. Again, several European Union member States participate in the work of the high-level fissile material cut-off treaty expert preparatory group, whose mandate is to make recommendations on substantial elements for a future treaty, without prejudice to national positions in future negotiations. The European Union is looking forward to examining the group's final report at the seventy-third session of the General Assembly, with a view to starting negotiations in the Conference on Disarmament at the earliest opportunity.

13. The European Union and its member States are convinced of the continued importance and relevance of a fissile material cut-off treaty on the Conference on Disarmament agenda. Last year's discussions, facilitated by Germany in the Working Group on the Way Ahead, contributed to a further understanding of the possible scope and objectives of a treaty, including definitions, verification and legal and institutional arrangements.

14. In the course of the Non-Proliferation Treaty review process, at the 2000 Review Conference, States parties called for the immediate commencement of fissile material cut-off treaty negotiations at the Conference on Disarmament, "taking into consideration both nuclear disarmament and nuclear non-proliferation objectives" as part of its 13 practical steps. At the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 188 States parties reaffirmed the urgent necessity of negotiating and bringing to a conclusion a non-discriminatory, multilateral and internationally and effectively verifiable fissile material cut-off treaty.

15. More recently, on 16 February 2018, the Conference on Disarmament adopted by consensus a decision on the establishment of subsidiary bodies on all agenda items of the Conference. This encouraging development provides a framework for structured technical discussions on a fissile material cut-off treaty in the Conference, which may pave the way for future progress towards the commencement of negotiations of this treaty.

Efforts by the European Union and its member States in support of the fissile material cut-off treaty in the Conference on Disarmament

16. Over the past decades, the European Union and its member States have actively worked in the Conference on Disarmament in search of a consensus to launch the negotiation and encouraged all Conference members to exert their utmost efforts to break the impasse in the Conference and adopt a comprehensive and balanced programme of work that includes the immediate commencement of negotiations on a fissile material cut-off treaty.

17. Some recent examples include the "Five Ambassadors" proposal (also known as the "A5 Initiative"), which was introduced in August 2002 by the Ambassadors of Algeria, Belgium, Chile, Colombia and Sweden. The proposal represented a renewed emphasis on the potential for agreement on a programme of work. In preparing for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Netherlands sponsored a series of open-ended, informal

meetings on a fissile material cut-off treaty conducted outside the Conference on Disarmament framework. These meetings contributed to the development of ideas regarding the scope and verification of a fissile material cut-off treaty by analysing the possible contents of such a treaty and by exploring opportunities and obstacles when drafting a fissile material cut-off treaty.

18. European Union Foreign Ministers confirmed the principled European Union position on upholding and preserving the Non-Proliferation Treaty as a key priority and on some of the key issues concerning the implementation of its provisions in the run-up to the 2005, 2010 and 2015 Review Conferences. They reaffirmed their commitment to and stressed the need to start the negotiation in the Conference on Disarmament on a fissile material cut-off treaty as indispensable steps towards fulfilment of the obligations and the final objective enshrined in article VI of the Non-Proliferation Treaty.

19. In April 2015, France issued a draft treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (CD/2020), which gave further impetus towards commencing productive discussions.

20. In February 2016, the United Kingdom of Great Britain and Northern Ireland submitted a draft programme of work for the Conference on Disarmament, proposing the establishment of a working group within the Conference "to identify, elaborate and recommend effective measures on nuclear disarmament, including legal provisions and other arrangements".

21. The same year, General Assembly resolution 71/259, presented by Canada, Germany and the Netherlands, established a series of preparatory discussions under General Assembly auspices, to build on the report of the Group of Governmental Experts on the fissile material cut-off treaty, enabling the international community to make further progress on the work of the Group. This resolution introduces an innovative element of two two-day informal consultative meetings organized by the Chair of the high-level fissile material cut-off treaty expert preparatory group, which offers the possibility to all United Nations Member States to engage in interactive discussions and share their views on a fissile material cut-off treaty.

22. As a powerful demonstration of the long-standing commitment of the European Union in support of a fissile material cut-off treaty, European Union Foreign Ministers in December 2017 decided to provide significant support to African, Asian, Latin American and Caribbean countries to facilitate their participation in the fissile material cut-off treaty consultative process, established by the 2016 General Assembly resolution. The technical implementation of this important cross-regional project, which is entirely funded by the European Union for an amount worth more than 1.2 million euros, has been entrusted to the United Nations Office for Disarmament Affairs to reach out to as many stakeholders as possible over the next three years.

23. The aim of the projects shall be: the facilitation of dialogue at the regional level among States in the African, Asia-Pacific and Latin America and the Caribbean regions; the development of a sense of ownership of the issue among States in these regions; the identification of the national needs and policy priorities of States in these regions; the involvement of relevant regional organizations in the discussions on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices to be negotiated in the framework of the Conference on Disarmament; the evaluation of the implications of the process at the regional level and of the role that relevant regional and international organization may play in that process; the comparative analysis of the implications of the process for each region; and the facilitation of the transmission of knowledge between academia, civil society organizations and member States relating to fissile materials.

24. The European Union looks forward to the successful implementation of this major project, which will help to develop transregional ownership and keep positive momentum on the importance and relevance of the negotiation of a fissile material cut-off treaty, and which will also contribute to deepening a shared understanding of all the issues which are at stake with regard to the prohibition of the production of fissile material for nuclear weapons.

Summing up

25. Fissile material that can bring about an explosive fission chain reaction is an essential ingredient of nuclear weapons. For more than two decades, the European Union and its member States have been at the forefront of advocating the immediate commencement and early conclusion of the negotiation in the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, on the basis of document CD/1299 and the mandate contained therein.

26. The European Union and its member States recall that there is broad support within the international community for such a treaty, considering that it would represent a significant practical contribution to nuclear disarmament and non-proliferation.

27. The fissile material cut-off treaty is considered to be a multilateral instrument to be negotiated in the nuclear disarmament field as a complement to the Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty, thereby strengthening the global nuclear non-proliferation regime. It will positively contribute to global efforts on nuclear disarmament, in line with article VI of the Non-Proliferation Treaty.

28. Different positions on some of the key elements of the treaty, such as the scope, verification or its entry into force, should be elaborated on and debated at negotiations, keeping in mind that the various benefits can be potentially reinforcing for each other.

29. In the meantime, the European Union and its member States also believe that confidence-building measures can be taken immediately, without the need to wait for the commencement of formal negotiations. In line with actions 16 to 18 of the Final Document of the 2010 Review Conference, the European Union and its member States have been calling upon all States possessing nuclear weapons that have not yet done so to declare and uphold an immediate moratorium on their production of fissile material for nuclear weapons or other nuclear explosive devices. We welcome the action by some nuclear-weapon States, including France and the United Kingdom, which have declared relevant moratoriums.

30. The European Union and its member States stand ready for the immediate commencement and early conclusion of the negotiation of such a treaty in the Conference on Disarmament.